



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SCOTTIE RAY VAN NORT,
Petitioner,
vs.
GREGORY SMITH, *et al.*,
Respondents.

3:10-cv-00330-RCJ-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has filed a motion to proceed *in forma pauperis*. (Docket #1). Based on the information regarding petitioner's financial status, the Court finds that the motion to proceed *in forma pauperis* should be granted.

The Court has reviewed the petition. The petition shall now be filed and served on respondents. A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. See 28 U.S.C. §2254(b) (successive petitions).

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (Docket #1) is **GRANTED**. The Clerk **SHALL FILE** the petition for a writ of habeas corpus.

1 **IT IS THEREFORE ORDERED** that the Clerk shall **ELECTRONICALLY**
2 **SERVE** the petition upon the respondents.

3 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
4 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or
5 other response, respondents shall address all claims presented in the petition. Respondents shall raise
6 all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
7 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
8 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
9 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
10 **forty-five (45) days** from the date of service of the answer to file a reply.

11 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the
12 Attorney General of the State of Nevada a copy of every pleading, motion, or other document he
13 submits for consideration by the Court. Petitioner shall include with the original paper submitted for
14 filing a certificate stating the date that a true and correct copy of the document was mailed to the
15 Attorney General. The Court may disregard any paper that does not include a certificate of service.
16 After respondents appear in this action, petitioner shall make such service upon the particular Deputy
17 Attorney General assigned to the case.

18 DATED this 29th day of November, 2010.

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21 UNITED STATES DISTRICT JUDGE
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